

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1795
96TH GENERAL ASSEMBLY

5801H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 34.032, 253.090, 260.255, 260.330, 640.100, 640.950 and 643.225, RSMo, and to enact in lieu thereof seven new sections relating to the department of natural resources.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 34.032, 253.090, 260.255, 260.330, 640.100, 640.950, 643.225, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 34.032, 253.090, 260.330, 260.373, 640.100, 640.950 and 643.225, to read as follows:

34.032. 1. The provisions of section 34.040 to the contrary notwithstanding, each department and agency of the state government, including the general assembly, shall purchase, in the manner provided by law, and use recycled paper when recycled paper can be obtained that is comparable to the quality presently used by the department or agency and if the price is competitive. For the purposes of this section, "competitive" means a price within ten percent of the price of items which are manufactured or produced from virgin materials. Attainment goals for the percentage of paper products to be purchased that utilize post-consumer recovered materials shall be:

- (1) Ten percent in 1991 and 1992;
 - (2) Twenty-five percent in 1993 and 1994;
 - (3) Forty percent in 1995; and
 - (4) Sixty percent by 2000.
2. Each department and agency of state government shall also purchase a minimum of fifteen percent recycled motor oil for use in motor vehicles.
3. Each department and agency of state government shall cause to be recycled:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (1) A minimum of twenty-five percent of paper products used or fifty percent of the
17 paper disposed of, whichever is greater;

18 (2) Seventy-five percent of all used motor oil.

19 4. Each department and state agency shall, to the maximum extent practicable, separate
20 plastics, paper, metals and other recyclable items by July 1, 1990.

21 5. By January 1, 1990, each department and state agency shall develop, in cooperation
22 with the office of administration, and implement a policy for recycling and waste reduction.
23 Each department and agency shall collect and recycle waste paper and empty aluminum beverage
24 containers generated by employee activity. The office of the governor and the general assembly
25 shall implement a policy for recycling and waste reduction and shall collect and recycle waste
26 paper and aluminum beverage containers generated within its facilities. Recycling programs for
27 agency offices located outside of the city of Jefferson may be coordinated through the office of
28 administration or operated locally provided that the office of administration reviews and
29 approves such programs. Proceeds from the sale of recycled materials may be used to offset
30 costs of the recycling program. Any moneys found by the office of administration to be in excess
31 of costs incurred shall be transferred to the department of social services to be used by the
32 heating assistance program pursuant to sections 660.100 to 660.135.

33 6. The department of higher education, in cooperation with the office of administration
34 and state colleges and universities, shall develop and distribute guidelines for waste reduction
35 and the collection of recyclable materials generated in classrooms, administrative offices,
36 dormitories, cafeterias and similar campus locations.

37 7. Bid specifications for solid waste management services issued by any department or
38 agency of state government shall be designed to meet the objectives of sections [260.255]
39 **260.260** to 260.325, encourage small businesses to engage and compete in the delivery of waste
40 management services and to minimize the long run cost of managing solid waste. Bid
41 specifications shall enumerate the minimum components and minimum quantities of waste
42 products which shall be recycled by the successful bidder. Bids for solid waste management
43 services to state departments and agencies located within the seat of government shall be issued
44 in units in order to maximize opportunities for small business to provide solid waste
45 management services to the state. Each department and agency shall designate one person in an
46 existing position to serve as a solid waste management coordinator to ensure that the agency and
47 the office of administration cooperate to meet the requirements of this section.

253.090. 1. All revenue derived from privileges, conveniences, contracts or otherwise,
2 all moneys received by gifts, bequests or contributions or from county or municipal sources and
3 all moneys received from the operation of concessions, projects or facilities and from resale
4 items shall be paid into the state treasury to the credit of the "State Park Earnings Fund", which

5 is hereby created. **The state treasurer is authorized to deposit all of the moneys in the fund**
6 **in any of the qualified depositories of the state. All such deposits shall be secured in such**
7 **a manner and shall be made upon such terms and conditions as are now or may hereafter**
8 **be provided by law relative to state deposits. Interest received on such deposits shall be**
9 **credited to the fund.** In the event any state park or any part thereof is taken under the power
10 of eminent domain by the federal government the moneys paid for the taking shall be deposited
11 in the state park earnings fund. The fund shall be used solely for the payment of the expenditures
12 of the department of natural resources in the administration of this law, except that in any fiscal
13 year the department may expend a sum not to exceed fifty percent of the preceding fiscal year's
14 deposits to the state park earnings fund for the purpose of:

- 15 (1) Paying the principal and interest of revenue bonds issued;
 - 16 (2) Providing an interest and sinking fund;
 - 17 (3) Providing a reasonable reserve fund;
 - 18 (4) Providing a reasonable fund for depreciation; and
 - 19 (5) Paying for feasibility reports necessary for the issuing of revenue bonds.
- 20 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
21 remaining in the fund at the end of the biennium shall not revert to the credit of the general
22 revenue fund.
- 23 3. A good and sufficient bond conditioned upon the faithful performance of the contract
24 and compliance with this law shall be required of all contractors.
- 25 4. Any person who contracts pursuant to this section with the state shall keep true and
26 accurate records of his or her receipts and disbursements arising out of the performance of the
27 contract and shall permit the department of natural resources and the state auditor to audit such
28 records.

260.330. 1. Except as otherwise provided in subsection 6 of this section, effective
2 October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to
3 one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each
4 operator of the solid waste demolition landfill shall collect a charge equal to one dollar per ton
5 or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less
6 collection costs, to the department of natural resources for deposit in the "Solid Waste
7 Management Fund" which is hereby created. On October 1, 1992, and thereafter, the charge
8 imposed herein shall be adjusted annually by the same percentage as the increase in the general
9 price level as measured by the Consumer Price Index for All Urban Consumers for the United
10 States, or its successor index, as defined and officially recorded by the United States Department
11 of Labor or its successor agency. No annual adjustment shall be made to the charge imposed
12 under this subsection [during] **beyond** October 1, 2005, [to October 1, 2014,] except an

13 adjustment amount consistent with the need to fund the operating costs of the department and
14 taking into account any annual percentage increase in the total of the volumetric equivalent of
15 solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and
16 solid waste to be transported out of this state for disposal that is accepted at transfer stations. No
17 annual increase [during] **beyond** October 1, 2005, [to October 1, 2014,] shall exceed the
18 percentage increase measured by the Consumer Price Index for All Urban Consumers for the
19 United States, or its successor index, as defined and officially recorded by the United States
20 Department of Labor or its successor agency and calculated on the percentage of revenues
21 dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment
22 shall only be made at the discretion of the director, subject to appropriations. Collection costs
23 shall be established by the department and shall not exceed two percent of the amount collected
24 pursuant to this section.

25 2. The department shall, by rule and regulation, provide for the method and manner of
26 collection.

27 3. The charges established in this section shall be enumerated separately from the
28 disposal fee charged by the landfill and may be passed through to persons who generated the
29 solid waste. Moneys shall be transmitted to the department shall be no less than the amount
30 collected less collection costs and in a form, manner and frequency as the department shall
31 prescribe. The provisions of section 33.080 to the contrary notwithstanding, moneys in the
32 account shall not lapse to general revenue at the end of each biennium. Failure to collect the
33 charge does not relieve the operator from responsibility for transmitting an amount equal to the
34 charge to the department.

35 4. The department may examine or audit financial records and landfill activity records
36 and measure landfill usage to verify the collection and transmittal of the charges established in
37 this section. The department may promulgate by rule and regulation procedures to ensure and
38 to verify that the charges imposed herein are properly collected and transmitted to the
39 department.

40 5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall
41 transmit a fee to the department for deposit in the solid waste management fund which is equal
42 to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such
43 fee shall be applicable to all solid waste to be transported out of the state for disposal. On
44 October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the
45 same percentage as the increase in the general price level as measured by the Consumer Price
46 Index for All Urban Consumers for the United States, or its successor index, as defined and
47 officially recorded by the United States Department of Labor or its successor agency. No annual
48 adjustment shall be made to the charge imposed under this subsection [during] **beyond** October

49 1, 2005, [to October 1, 2014,] except an adjustment amount consistent with the need to fund the
50 operating costs of the department and taking into account any annual percentage increase in the
51 total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary
52 landfills and demolition landfills and solid waste to be transported out of this state for disposal
53 that is accepted at transfer stations. No annual increase [during] **beyond** October 1, 2005, [to
54 October 1, 2014,] shall exceed the percentage increase measured by the Consumer Price Index
55 for All Urban Consumers for the United States, or its successor index, as defined and officially
56 recorded by the United States Department of Labor or its successor agency and calculated on the
57 percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any
58 such annual adjustment shall only be made at the discretion of the director, subject to
59 appropriations. The department shall prescribe rules and regulations governing the transmittal
60 of fees and verification of waste volumes transported out of state from transfer stations.
61 Collection costs shall also be established by the department and shall not exceed two percent of
62 the amount collected pursuant to this subsection. A transfer station with the sole function of
63 separating materials for recycling or resource recovery activities shall not be subject to the fee
64 imposed in this subsection.

65 6. Each political subdivision which owns an operational solid waste disposal area may
66 designate, pursuant to this section, up to two free disposal days during each calendar year. On
67 any such free disposal day, the political subdivision shall allow residents of the political
68 subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste
69 disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to
70 this section. Notice of any free disposal day shall be posted at the solid waste disposal area site
71 and in at least one newspaper of general circulation in the political subdivision no later than
72 fourteen days prior to the free disposal day.

260.373. 1. After August 28, 2012, the authority of the commission to promulgate
2 **rules under sections 260.350 to 260.391 and 260.393 to 260.433 is subject to the following:**

3 **(1) The commission shall not promulgate rules that are stricter than or implement**
4 **requirements prior to the requirements of 40 CFR 260, 261, 262, 264, 265, 268, and 270,**
5 **as promulgated pursuant to Subtitle C of the Resource Conservation and Recovery Act,**
6 **as amended;**

7 **(2) Notwithstanding the provisions of subdivision (1) of this subsection, the**
8 **commission may decide not to adopt certain federal rules that are not necessary in order**
9 **for the state to maintain its authorization to administer and enforce a hazardous waste**
10 **management program in lieu of the federal program under Subtitle C of the federal**
11 **Resource Conservation and Recovery Act, as amended;**

(3) Notwithstanding the provisions of subdivision (1) of this subsection, the commission may promulgate rules to implement state statutes when such statutes expressly prescribe standards or requirements that are stricter than federal requirements, implement requirements prior to any federal requirements, or allow the establishment or collection of fees, costs, or taxes;

(4) Notwithstanding the limitations of subdivision (1) of this subsection, the commission may retain, modify, or repeal any current rules pertaining to:

(a) Thresholds for determining whether a hazardous waste generator is a large quantity generator, small quantity generator, or conditionally exempt small quantity generator;

(b) Descriptions of applicable registration or reporting periods; and

(c) Reporting of hazardous waste activities to the department.

2. Nothing in this section shall be construed to repeal any other provision of law, and the commission and the department shall continue to have the authority to implement and enforce other statutes and the rules promulgated to their authority.

3. No later than July 31, 2014, the department shall identify rules in title 10, code of state regulations, division 25, chapters 2, 4, 5, or 7 that are inconsistent with the provisions of subsection 1 of this section. The department shall thereafter file with the secretary of state any amendments necessary to ensure that such rules are not inconsistent with the provisions of subsection 1 of this section. On July 31, 2016, any rule contained in title 10, code of state regulations, division 25, chapters 3, 4, 5, or 7 that remains inconsistent with the provisions of subsection 1 of this section shall be null and void to the extent that it is inconsistent.

4. Nothing in this section shall be construed to effectuate a modification of any permit. Upon request, the department shall modify as appropriate any permit containing requirements no longer in effect due to the provisions of this section.

5. The department is prohibited from selectively excluding any rule or portion of a rule promulgated by the commission from any authorization application package, or program revision, submitted to the United States Environmental Protection Agency under 40 CFR 271.1 and 271.5.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant

48 **of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be**
49 **invalid and void.**

640.100. 1. The safe drinking water commission created in section 640.105 shall
2 promulgate rules necessary for the implementation, administration and enforcement of sections
3 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

4 2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted
5 except after a public hearing to be held by the commission after at least thirty days' prior notice
6 in the manner prescribed by the rulemaking provisions of chapter 536 and an opportunity given
7 to the public to be heard; the commission may solicit the views, in writing, of persons who may
8 be affected by, knowledgeable about, or interested in proposed rules and regulations, or
9 standards. Any person heard or registered at the hearing, or making written request for notice,
10 shall be given written notice of the action of the commission with respect to the subject thereof.
11 Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated to
12 administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has
13 fully complied with all of the requirements of chapter 536, including but not limited to section
14 536.028, if applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9,
15 1998, is of no force and effect and repealed as of June 9, 1998, however, nothing in this section
16 shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to
17 June 9, 1998. If the provisions of section 536.028 apply, the provisions of this section are
18 nonseverable and if any of the powers vested with the general assembly pursuant to section
19 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a
20 rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule
21 so proposed and contained in the order of rulemaking shall be invalid and void, except that
22 nothing in this chapter or chapter 644 shall affect the validity of any rule adopted and
23 promulgated prior to June 9, 1998.

24 3. The commission shall promulgate rules and regulations for the certification of public
25 water system operators, backflow prevention assembly testers and laboratories conducting tests
26 pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow
27 prevention assembly tester shall satisfactorily complete standard, nationally recognized written
28 and performance examinations designed to ensure that the person is competent to determine if
29 the assembly is functioning within its design specifications. Any such state certification shall
30 satisfy any need for local certification as a backflow prevention assembly tester. However,
31 political subdivisions may set additional testing standards for individuals who are seeking to be
32 certified as backflow prevention assembly testers. Notwithstanding any other provision of law
33 to the contrary, agencies of the state or its political subdivisions shall only require carbonated
34 beverage dispensers to conform to the backflow protection requirements established in the

35 National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an
36 independent testing laboratory. The commission shall promulgate rules and regulations for
37 collection of samples and analysis of water furnished by municipalities, corporations, companies,
38 state establishments, federal establishments or individuals to the public. The department of
39 natural resources or the department of health and senior services shall, at the request of any
40 supplier, make any analyses or tests required pursuant to the terms of section 192.320 and
41 sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost of
42 laboratory services, both within the department of natural resources and the department of health
43 and senior services, laboratory certification and program administration as required by sections
44 640.100 to 640.140. The laboratory services and program administration fees pursuant to this
45 subsection shall not exceed two hundred dollars for a supplier supplying less than four thousand
46 one hundred service connections, three hundred dollars for supplying less than seven thousand
47 six hundred service connections, five hundred dollars for supplying seven thousand six hundred
48 or more service connections, and five hundred dollars for testing surface water. Such fees shall
49 be deposited in the safe drinking water fund as specified in section 640.110. The analysis of all
50 drinking water required by section 192.320 and sections 640.100 to 640.140 shall be made by
51 the department of natural resources laboratories, department of health and senior services
52 laboratories or laboratories certified by the department of natural resources.

53 4. The department of natural resources shall establish and maintain an inventory of
54 public water supplies and conduct sanitary surveys of public water systems. Such records shall
55 be available for public inspection during regular business hours.

56 5. (1) For the purpose of complying with federal requirements for maintaining the
57 primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby
58 directed to request appropriations from the general revenue fund and all other appropriate
59 sources to fund the activities of the public drinking water program and in addition to the fees
60 authorized pursuant to subsection 3 of this section, an annual fee for each customer service
61 connection with a public water system is hereby authorized to be imposed upon all customers
62 of public water systems in this state. The fees collected shall not exceed the amounts specified
63 in this subsection and the commission may set the fees, by rule, in a lower amount by
64 proportionally reducing all fees charged pursuant to this subsection from the specified maximum
65 amounts. Reductions shall be roughly proportional but in each case shall be divisible by twelve.
66 Each customer of a public water system shall pay an annual fee for each customer service
67 connection.

68 (2) The annual fee per customer service connection for unmetered customers and
69 customers with meters not greater than one inch in size shall be based upon the number of
70 service connections in the water system serving that customer, and shall not exceed:

| | | |
|----|--|---------|
| 71 | 1 to 1,000 connections. | \$ 3.24 |
| 72 | 1,001 to 4,000 connections. | 3.00 |
| 73 | 4,001 to 7,000 connections. | 2.76 |
| 74 | 7,001 to 10,000 connections. | 2.40 |
| 75 | 10,001 to 20,000 connections. | 2.16 |
| 76 | 20,001 to 35,000 connections. | 1.92 |
| 77 | 35,001 to 50,000 connections. | 1.56 |
| 78 | 50,001 to 100,000 connections. | 1.32 |
| 79 | More than 100,000 connections. | 1.08. |

80 (3) The annual user fee for customers having meters greater than one inch but less than
81 or equal to two inches in size shall not exceed seven dollars and forty-four cents; for customers
82 with meters greater than two inches but less than or equal to four inches in size shall not exceed
83 forty-one dollars and sixteen cents; and for customers with meters greater than four inches in size
84 shall not exceed eighty-two dollars and forty-four cents.

85 (4) Customers served by multiple connections shall pay an annual user fee based on the
86 above rates for each connection, except that no single facility served by multiple connections
87 shall pay a total of more than five hundred dollars per year.

88 6. Fees imposed pursuant to subsection 5 of this section shall become effective on
89 August 28, 2006, and shall be collected by the public water system serving the customer
90 beginning September 1, 2006, and continuing until such time that the safe drinking water
91 commission, at its discretion, specifies a lower amount under subdivision (1) of subsection 5 of
92 this section. The commission shall promulgate rules and regulations on the procedures for
93 billing, collection and delinquent payment. Fees collected by a public water system pursuant to
94 subsection 5 of this section are state fees. The annual fee shall be enumerated separately from
95 all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees
96 shall be transferred to the director of the department of revenue at frequencies not less than
97 quarterly. Two percent of the revenue arising from the fees shall be retained by the public water
98 system for the purpose of reimbursing its expenses for billing and collection of such fees.

99 7. Imposition and collection of the fees authorized in subsection 5 of this section shall
100 be suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the
101 federally delegated authority granted to the safe drinking water program within the department
102 of natural resources to administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn.
103 The fee shall not be reinstated until the first day of the calendar quarter following the quarter
104 during which such delegated authority is reinstated.

105 8. Fees imposed pursuant to subsection 5 of this section shall expire on September 1,
106 [2012] **2017**.

640.950. 1. This section shall be known and may be cited as "The Renewable Energy Pilot Program for State Parks".

2. The department of natural resources shall, in consultation with the public service commission, develop and implement a pilot program in which renewable energy technology is used to operate a state park.

3. The commission shall retain authority to regulate the rates and cost recovery for electric utilities under its jurisdiction that enter into a contractual agreement to provide renewable energy resources for the department. The department may also contract with those electric utilities that are unregulated by the commission.

4. The pilot program shall begin with the department's selection of a suitable state park by August 28, 2013. The department shall set a goal of achieving the one hundred percent use of renewable energy resources, as defined in section 393.1025, within the boundaries of the park.

5. The pilot program shall involve the department's use of as many energy-efficient products as possible within the boundaries of the park.

6. The department shall set a goal of completing such renewable energy pilot program by August 28, 2018.

7. Beginning August 28, 2012, the department shall annually report to the general assembly if the goal of this section has been met. If the goal provided in this section is not achieved, then such report shall explain why such goal is not feasible at the current time and develop alternative suggestions. If the goal in subsection 6 of this section is not met, then such report shall continue indefinitely on an annual basis.

8. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

643.225. 1. The provisions of sections 643.225 to 643.250 shall apply to all projects subject to 40 CFR Part 61, Subpart M as adopted by 10 CSR 10-6.080. The commission shall promulgate rules and regulations it deems necessary to implement and administer the provisions of sections 643.225 to 643.250, including requirements, procedures and standards relating to asbestos projects, as well as the authority to require corrective measures to be taken in asbestos

6 abatement, renovation, or demolition projects as are deemed necessary to protect public health
7 and the environment. The director shall establish any examinations for certification required by
8 this section and shall hold such examinations at times and places as determined by the director.

9 2. Except as otherwise provided in sections 643.225 to 643.250, no individual shall
10 engage in an asbestos abatement project, inspection, management plan, abatement project design
11 or asbestos air sampling unless the person has been issued a certificate by the director, or by the
12 commission after appeal, for that purpose.

13 3. In any application made to the director to obtain such certification as an inspector,
14 management planner, abatement project designer, supervisor, contractor or worker from the
15 department, the applicant shall include his diploma providing proof of successful completion of
16 either a state accredited or United States Environmental Protection Agency (EPA) accredited
17 training course as described in section 643.228. In addition, an applicant for certification as a
18 management planner shall first be certified as an inspector. All applicants for certification as an
19 inspector, management planner, abatement project designer, supervisor, contractor or worker
20 shall successfully pass a state examination on Missouri state asbestos statutes and rules relating
21 to asbestos. Certification issued hereunder shall expire one year from its effective date.
22 Individuals applying for state certification as an asbestos air sampling professional shall have the
23 following credentials:

24 (1) A bachelor of science degree in industrial hygiene plus one year of experience in the
25 field; or

26 (2) A master of science degree in industrial hygiene; or

27 (3) Certification as an industrial hygienist as designated by the American Board of
28 Industrial Hygiene; or

29 (4) Three years of practical experience in the field of industrial hygiene, including
30 significant asbestos air monitoring experience and the completion of a forty-hour asbestos course
31 which includes air monitoring instruction (National Institute of Occupational Safety and Health
32 582 course on air sampling or equivalent). In addition to these qualifications, the individual
33 must also pass the state of Missouri asbestos examination. All asbestos air sampling technicians
34 shall be trained and overseen by an asbestos air sampling professional and shall meet the
35 requirements of training found in OSHA's 29 CFR 1926.1101. Certification under this section
36 as an abatement project designer does not qualify an individual as an architect, engineer or land
37 surveyor, as defined in chapter 327.

38 4. An application fee of seventy-five dollars shall be assessed for each category, except
39 asbestos abatement worker, to cover administrative costs incurred. An application fee of
40 twenty-five dollars shall be assessed for each asbestos abatement worker to cover administrative
41 costs incurred. A fee of twenty-five dollars shall be assessed per state examination.

42 5. In order to qualify for renewal of a certificate, an individual shall have successfully
43 completed an annual refresher course from a state of Missouri accredited training program. For
44 each discipline, the refresher course shall review and discuss current federal and state statute and
45 rule developments, state-of-the-art procedures and key aspects of the initial training course, as
46 determined by the state of Missouri. For all categories except inspectors, individuals shall
47 complete a one-day annual refresher training course for recertification. Refresher courses for
48 inspectors shall be at least a half-day in length. Management planners shall attend the inspector
49 refresher course, plus an additional half-day on management planning. All refresher courses
50 shall require an individual to successfully pass an examination upon completion of the course.
51 In the case of significant changes in Missouri state asbestos statutes or rules, an individual shall
52 also be required to take and successfully pass an updated Missouri state asbestos examination.
53 An individual who has failed the Missouri state asbestos examination may retake it on the next
54 scheduled examination date. If an individual has not successfully completed the annual refresher
55 course within twelve months of the expiration of his or her certification, the individual shall be
56 required to retake the course in his or her specialty area as described in this section. Failure to
57 comply with the requirements for renewal of certification in this section will result in
58 decertification. In no event shall certification or recertification constitute permission to violate
59 sections 643.225 to 643.250 or any standard or rule promulgated under sections 643.225 to
60 643.250.

61 6. A fee of five dollars shall be paid to the state for renewal of certificates to cover
62 administrative costs.

63 **7. The provisions of subsections 2 to 6 of this section, section 643.228, subdivision**
64 **(4) of subsection 1 of section 643.230, sections 643.232 and 643.235, subdivisions (1) to (3)**
65 **of subsection 1 of section 643.237, and subsection 2 of section 643.237 shall not apply to a**
66 **person that is subject to requirements and applicable standards of the United States**
67 **Environmental Protection Agency (EPA) and the United States Occupational Safety and**
68 **Health Administration's (OSHA) 29 Code of Federal Regulations 1926.58 and which**
69 **engages in asbestos abatement projects as part of normal operations in the facility solely**
70 **at its own place or places of business. A person shall receive an exemption upon submitting**
71 **to the director, on a form provided by the department, documentation of the training**
72 **provided to its employees to meet the requirements of applicable OSHA and EPA rules and**
73 **regulations and the type of asbestos abatement projects which constitute normal operations**
74 **performed by the applicant. If the application does not meet the requirements of this**
75 **subsection and the rules and regulations promulgated by the department, the applicant**
76 **shall be notified, within one hundred eighty days of the receipt of the application, that the**
77 **exemption has been denied. An applicant may appeal the denial of an exemption to the**

78 **commission within thirty days of the notice of denial. This exemption shall not apply to**
79 **asbestos abatement contractors, to those persons who the commission by rule determines**
80 **provide a service to the public in its place or places of business as the economic foundation**
81 **of the facility, or to those persons subject to the requirements of the federal Asbestos**
82 **Hazard Emergency Response Act of 1986 (P.L. 99-519). A representative of the**
83 **department shall be permitted to attend, monitor, and evaluate any training program**
84 **provided by the exempted person. Such evaluations may be conducted without prior**
85 **notice. Refusal to allow such an evaluation is sufficient grounds for loss of exemption**
86 **status.**

87 **8. A fee of two hundred fifty dollars shall be submitted with the application for**
88 **exemption under subsection 7 of this section. This shall be a one-time fee. An exempted**
89 **person shall submit to the director changes in curricula or other significant revisions to its**
90 **training program under this section as they occur.**

91 **9. All applications for exemption under this section that are received and approved**
92 **by the department prior to August 28, 2012, shall be considered valid. An exempted**
93 **person under this subsection shall not be subject to the fee under subsection 8 of this**
94 **section but shall submit to the director changes in curricula or other significant revisions**
95 **to its training program as they occur.**

2 [260.255. 1. After January 1, 1994, each newspaper publisher in this
3 state with an average daily distribution on days published of more than fifteen
4 thousand copies shall file a statement with the department of natural resources
5 certifying the total number of tons of newsprint used during the past calendar
6 year, and the average recycled content of such newsprint. The statement shall
7 declare whether the following target percentages have been met for the past year,
8 and if not met, shall contain a statement explaining why the newspaper publisher
9 failed to meet the target percentages.

10 2. The target recycled content usage for each newspaper publisher for
each year shall be:

- 11 (1) 1993, ten percent;
- 12 (2) 1994, twenty percent;
- 13 (3) 1995, thirty percent;
- 14 (4) 1996, forty percent;
- 15 (5) 2000, and subsequent years, fifty percent.

16 3. Any newspaper publisher who fails to file a statement with or seek a
17 waiver from the department, or who files a statement containing misleading or
18 deceptive information, shall be a violation of this section, punishable by a civil
19 fine of not more than one hundred dollars per day for each day the violation
20 continues. Penalties imposed under this section shall be deposited into the solid
21 waste management fund and shall be used to further the purposes of sections
22 260.200 to 260.345.]